IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SIXTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 25427 of 2001

Between:

The Depot Manager, A.P.S.R.T.C., Nirmal Bust Depot, Adilabad District.

..... PETITIONER

AND

1. Ms. Khan (Ex.Driver) R/o. Kadam Village and Mandal, Adilabad District.
2. The Chairman-cum-Presiding Officer, Industrial Tribunal-cum-Labour Court, Godavarikhani, Karimnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of certiorari and to call for the records relating to the award in I.D.No.50/1997 dated 24-7-2000 on the file of the Labour Court, Godavari Khani, Karimnagar District and to quash the same as arbitrary, illegal.

Counsel for the Petitioner: SC FOR APSRTC.

Counsel for the Respondent No.1: MR. A. RAJASHEKAR REDDY.

Counsel for the Respondent No.2: NONE APPEARED.

The Court made the following :

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ORDER:

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The present writ petition is filed by the petitioner-APSRTC seeking a writ of certiorari and to call for the records relating to the award in I.D.No.50 of 1997 dated 24-7-2000, on the file of the Industrial Tribunal-cum-Labour Court, Godavarikhani, Karimnagar District and to quash the same.

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The petitioner-Corporation removed the first respondent herein from service by its proceedings dated 15-4-1995 on the ground that on 25-08-1994 at about 12-00 hours, the first respondent herein, drove the APSRTC bus bearing No. AP 9Z 6638 on the route from Nirmal to Adilabad, in a rash and negligent manner, and met with an accident with a new tractor and a lorry bearing No.MIB 7225 near Role Mamda, due to which, two passengers sustained injuries. Aggrieved by the said proceedings, the first respondent raised an industrial dispute in I.D.No.50 of 1995 before the Industrial Tribunal-cum-Labour Court, Godavarikhani, and the same was allowed by an award dated 24-07-2004, directing the petitioner-Corporation to reinstate the first respondent herein into service with full back wages and continuity of service giving increments and with all consequential benefits and also to pay Rs.500/- towards costs of the petition. Aggrieved by the said award, this writ petition has been filed by the petitioner-Corporation.

I have perused the relevant records and the award of the Tribunal. The Enquiry Report of the Chief Inspector, A.P.S.R.T.C. NIZAMABAD, dated 04-03-1995 goes to show that though primarily the tractor driver was responsible for the cause of

accident, the first respondent was also responsible for the cause of accident as the bus was driven at high speed at the time of accident. Except the statements of the passengers that the driver drove the said bus at high speed at the time of accident, there is no other evidence on record to show that the driver of the said bus i.e., the first respondent herein, was negligent in causing the accident. Even according to the Enquiry Report also, primarily the driver of the tractor alone was held responsible for causing the accident. The charges in the criminal case were also not proved against the first respondent herein. Therefore, there is no evidence to prove that the first respondent was driving the bus in a rash and negligent manner at the time of accident and caused the accident.

Having regard to the facts and circumstances of the case, I am of the view that basing on the evidence on record, it cannot be said that the first respondent herein has committed any criminal mis-conduct for removing him from service. The Labour Court has rightly recorded its findings and hence, I do not see any illegality or irregularity in the impugned order.

Accordingly, the Writ Petition is dismissed. No order as to costs.

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16-11-2004

To

1. The Chairman-cum-Presiding Officer, Industrial Tribunal-cum-Labour Court, Godavarikhani, Karimnagar District.

2. Two C.D. copies.

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